REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 15-18, 20-25, 27-32, 38-51, 56, 57, 59 and 64-70 are pending in this application. No claim amendments are presented, thus, no new matter is added.

In the outstanding Office Action, Claims 15, 16, 18, 20-23, 25, 27, 28, 30, 32, 38, 39, 41, 44, 46, 47, 49, 51, 56, 59 and 64-70 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,303,393 to Noreen et al. (hereinafter Noreen); Claims 17, 24, 29 and 31 were rejected under 35 U.S.C. § 103(a) as unpatentable over Noreen in view of U.S. Patent No. 5,627,549 to Park; Claims 42 and 45 were rejected under 35 U.S.C. § 103(a) as unpatentable over Noreen in view of U.S. Patent No. 6,314,094 to Boys; and Claims 40, 43, 48, 50 and 57 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Noreen in view of Park, further in view of U.S. Patent No. 6,282,412 to Lyons.

The Office Action asserts that Noreen teaches all the elements of Claims 15-16, 18, 20-23, 25, 27-28, 30, 32, 38-39, 41, 44, 46-47, 49, 51, 56, 59 and 64-70. Applicant respectfully traverses this rejection.

Independent Claim 15 relates to a mobile device for receiving and processing program-accompanying digital data which are transmitted by a radio transmitter, and which contain location parameters. Specifically, independent Claim 15 recites a mobile device, comprising:

> a receiver configured to receive programs and program-accompanying digital data, wherein the programs include at least one of audio data and video data, and ***the program-accompanying digital data includes location parameters***;
>
> a position locating module configured to determine a current geographic position of the mobile device;
>
> ***a filter module configured to filter location-specific information from the program-accompanying digital data***

> ***based at least on the location parameters and the current geographical position***; and
>
> a communications module configured to transmit the location-specific information from the mobile device to a service center.

Independent Claim 22, while directed to an alternative embodiment, recites substantially similar features. Accordingly, the remarks and arguments presented below are applicable to each of independent Claims 15 and 22.

Turning to the applied reference, Noreen describes a mobile terminal with a broadcast receiver, a controller 223 and a data transmitter 211.[1] As described at col. 13, lines 23-33, the controller processes identification information from the program signal received by the broadcast receiver. A user can then place an order by inputting to the mobile terminal a user-input signal, and the controller generates a user data signal from the user-input signal and the identification information.[2] The user data signal is then transmitted by the data transmitter and relayed through a satellite to a processing center.

Noreen, however, fails to teach or suggest a receiver configured to receive programs and program-accompanying digital data, wherein ***the program-accompanying data includes location parameters***, as recited in independent Claim 15.

In addressing the arguments previously presented regarding this claimed feature, p. 2 of the Office Action cites col. 15, lines 35-42 of Noreen and asserts that the reference teaches "transmitting identification information on the broadcast transmission and the program signal such as a carrier frequency or identification of the program, from which the processing center can determine the advertisement and process an order by a user." The Office Action then asserts that "giving its broadest and reasonable interpretation" Noreen teaches location parameters, because according to Noreen "the processing center... will process a service

[1] Noreen, Fig. 2.
[2] Id., col. 13, lines 43-62.

based on the order placed by the user; therefore, the user must have sent a signal to a place or location; hence, there are location parameters indicating where the advertisement was provided from."

Applicant respectfully traverses the assertions set forth in the outstanding Office Action.

As described at col. 2, lines 26-34 and col. 11, lines 62-65, Noreen's system includes a radio response system for use with a processing center comprising a broadcast transmitter, repeater, and a plurality of mobile terminals each having a data transmitter. The data transmitter sends the transmitted data signal to the repeater, and the repeater relays the transmitted data signal to the processing center.[3]

More particularly, the repeater is embodied as a satellite and the processing center is a "radiosat" response processing center, and the data transmitter sends the data signal to the satellite, which relays the data signal to the processing center.[4] Thus, Noreen makes **no reference to the user or the mobile terminal selectively sending a signal to a processing center of choice**.

In contrast, as is clearly indicated by the references to Noreen cited above, according to Noreen, sending a signal from a user's mobile terminal involves a data transmitter of the mobile terminal sending the data signal to a repeater, and the repeater relaying the signal to the processing center. There is no reference to a choice of processing center. Noreen's radio response system always relays the radio signals transmitted by the user terminals to the same processing center.

Accordingly, the assertion that "a location parameter must implicitly be included in the broadcast signal" of Noreen is not a reasonable interpretation of this reference.

---

[3] Id., col. 2, lines 65-68; and col. 3, lines 1-3.
[4] Id., col. 12, lines 1-5, col. 12; lines 59-62; col. 13, lines 66-68; col. 15, lines 9-12; or claim 2.

Furthermore, because the data signals from all the mobile terminals are relayed to the same processing center, the processing center must be able to determine what program signal or advertisement to which the user has responded.[5] Consequently, for the processing center to determine the advertisement and process an order by a user, Noreen describes that the broadcast signal includes identification information on the broadcast transmitter and the program signal such as the carrier frequency or identification of the program.[6]

Accordingly, Noreen fails to teach or reasonably suggest that location parameters are included In the broadcast signal. In contrast, Noreen teaches away from location parameters, by relaying all data signals from the mobile terminals to the same processing center and determining in the processing center what program and/or advertisement to which the data signal is related.

Therefore, Noreen fails to teach or suggest a receiver configured to receive programs and program-accompanying digital data, wherein ***the program-accompanying data includes location parameters***, as recited in independent Claim 15.

Further, Noreen also fails to teach or suggest ***a filter module*** configured to ***filter location-specific information*** from the program-accompanying digital data ***based at least on the location parameters and the current geographical position***, as recited in independent Claim 15.

In addressing the previously presented arguments directed to this claimed feature, the outstanding Office Action cites col. 13, lines 15-67 and asserts that Noreen "teaches classifying or filtering location specific information from the program-accompanying digital data based on location," and further states that the reference "teach[es] extracting the signal

[5] Id., col. 15, lines 28-33.
[6] Id., col. 15, lines 37-42.

information related to an advertisement, i.e. data of interest to the user, from the audio transmission." The Office Action asserts that these features read on filtering location specific data from the program-accompanying data.

However, Applicants respectfully submit that extracting advertisement information from an audio transmission does not read on filtering location specific information from program-accompanying digital data based on location.

More specifically, col. 13, lines 15-33, and lines 24-42 of Noreen relate to broadcasting, from the broadcast station to the mobile terminal, a program signal including identification information, music with advertisements and/or video information. According to Noreen, the identification information may include the program-carrier frequency of the program signal, identification of the program signal and particular program to which the user is listening, the identification of the broadcast station, the time of an advertisement, a code identifying the advertisement, or any other information which may be used for identifying the program signal and a particular time and/or advertisement to which a user is responding. **Noreen, however, fails to mention that location parameters are included in the broadcast signal, or that location specific information is filtered of from the broadcast signal based on location parameters and the current geographic position.** Neither the program-carrier frequency, nor the identification of the program or program signal, nor the identification of the broadcast station, nor the time of advertisement, nor the code identifying the advertisement may reasonably be interpreted as location parameters in the context of the Noreen's description. Moreover, Noreen explicitly states that the identification information is used for identifying the program signal and a particular time and/or advertisement to which a user is responding.[7]

[7] Id., col. 13, lines 29-33.

Col., 13, lines 63-67 of Noreen relates to the user-data signal being modulated on a carrier signal at a carrier frequency, the modulated carrier frequency being transmitted by data transmitter as a transmitted-data signal, and the transmitted-data signal being relayed through a satellite to the processing center. Again, however, this cited portion of Noreen fails to teach or suggest either location parameters included in the broadcast signal, or filtering of location-specific information from the broadcast signal based on location parameters and the current geographic position.

Therefore, Noreen fails to teach or suggest ***a filter module*** configured to ***filter location-specific information*** from the program-accompanying digital data ***based at least on the location parameters and the current geographical position***, as recited in independent Claim 15.

Additionally, the outstanding Office Action fails to provide any substantive and/or reasonable rationale to support the claim that Noreen teaches either location parameters included in the broadcast signal or filtering location-specific information from the program-accompanying digital data based at least on the location parameters and the current geographic position.

Accordingly, for at least the reasons discussed above, Applicant respectfully requests that the rejection of independent Claims 15 and 22 (and the claims that depend therefrom) under 35 U.S.C. § 102(b) be withdrawn.

Further, dependent Claims 20 and 27 recite, in part, that "the location specific information is a ***URL address***" and the device is configured to "activate a resource in the Internet based on the ***URL address***."

In addressing this claimed feature, the Official Action relies on multiple portions of Noreen, none of which teach or suggest the user of a ***URL address*** as location-specific

information. Therefore, Applicant respectfully submits that Noreen fails to teach or suggest the above noted features of dependent Claims 20 and 27.

Dependent Claims 21 and 28 recite, in part, "executing program data files included in the location-specific information."

In addressing this claimed feature, the Official Action relies on col. 13, lines 15-67 of Noreen, and states that the processor extracts information from a received signal. However, this is not analogous to "executing program data files included in the location-specific information," as recited in dependent Claims 21 and 28.

The Official Action again cites col. 13, lines 15-67 of Noreen in rejecting dependent Claims 41 and 56, which recite that data is transmitted "from the mobile device in accordance with ***a short message protocol***." However, Noreen fails to teach or suggest the use of a ***short message protocol***, whatsoever.

Further, dependent Claims 46 and 66 recite that a particular action is performed based on a comparison ***between the location parameters and the current geographical position***. In addressing this claimed feature, the Official Action again cites col. 13, lines 15-67 of Noreen, which fails to teach or suggest the above noted comparison step recited in dependent Claims 46 and 66.

Accordingly, for at least the reasons discussed above, Applicant respectfully requests that the rejection of dependent Claims 20, 21, 27, 28, 41, 46, 56 and 66 under 35 U.S.C. § 102(b) be withdrawn.

Regarding the outstanding rejections of Claims 17, 24, 29, 31, 40, 42, 43, 45, 48, 50, 57 under 35 U.S.C. § 103(a) as unpatentable over Noreen in view of a secondary reference. Applicant respectfully traverses these rejections.

As discussed above, Noreen fails to teach or suggest the above differentiated features recited in independent Claims 15 and 22. Likewise, none of Park, Boys, or Lyons remedy

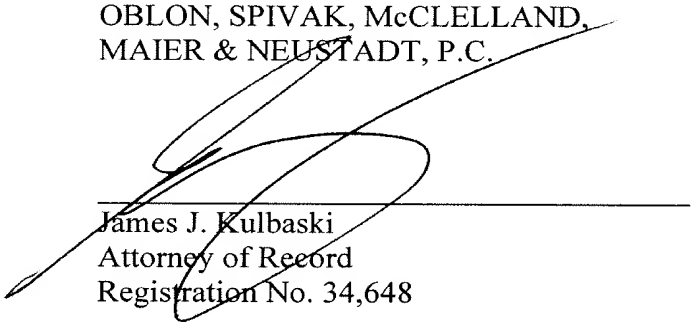
this deficiency, and therefore, none of the cited references, either alone or in combination, teach or suggest Applicant's Claims 17, 24, 29, 31, 40, 42, 43, 45, 48, 50, 57, which include the above distinguished features by virtue of dependency.

Accordingly, Applicant respectfully requests that the rejection of Claims 17, 24, 29, 31, 40, 42, 43, 45, 48, 50, 57 under 35 U.S.C. § 103 be withdrawn.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 15-18, 20-25, 27-32, 38-51, 56, 57, 59 and 64-70, is patentably distinguishing over the applied references. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of the application is therefore requested

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



James J. Kulbaski
Attorney of Record
Registration No. 34,648

Andrew T. Harry
Registration No. 56,959

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

I:\ATTY\ATH\PROSECUTION\23'S\236109US\236109US-REQRECON9.19.07.DOC